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and

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

INTEMPCO CONTROLS LTD.,

Plaintiff,

- against -

ENDRESS+HAUSER, INC.,
ENDRESS+HAUSER WETZER (USA),
INC., ROCKWELL AUTOMATION, INC.,
PYROMATION, INC., JUMO GMBH &
CO. KG, JUMO PROCESS CONTROL
INC., TEL-TRU, INC., and TEL-TRU
DOMESTIC INTERNATIONAL SALES
CORP.,

Defendants.

Civil Action No. 2:10-cv-02152-SDW-MCA

**INTEMPCO CONTROLS LTD.'S ANSWER
TO DEFENDANTS TEL-TRU, INC.'S AND
TEL-TRU DOMESTIC INTERNATIONAL
SALES CORP.'S COUNTERCLAIMS**

Plaintiff-Counterclaim-Defendant, Intempco Controls Ltd. ("Intempco"), by and through its undersigned counsel, as and for its Answer to the Counterclaims of Defendant-Counterclaim-Plaintiffs Tel-Tru, Inc. and Tel-Tru Domestic International Sales Corp. (collectively "Tel-Tru"), states as follows:

ANSWER TO COUNTERCLAIMS

Intempco incorporates paragraphs 1-44 of its Amended Complaint as if fully set forth herein.

1. Intempco lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 1 of the Counterclaims.

2. Intempco lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 2 of the Counterclaims.

3. Admits that Intempco is a Canadian corporation with its principal Canadian place of business at 2511, Guenette, Montreal (Quebec), Canada H4R 2E9.

4. Admits that Intempco has a principal place of business in the United States at 165 State Street, Suite C, Hackensack, New Jersey 07601.

5. Paragraph 5 of the Counterclaims contains legal conclusions to which no response is required.

6. Paragraph 6 of the Counterclaims contains legal conclusions to which no response is required.

7. Paragraph 7 of the Counterclaims contains legal conclusions to which no response is required.

8. Admits that Tel-Tru is on notice of Intempco's claim for infringement of U.S. Patent No. 7,223,014 (the "Patent") and respectfully refers the Court to the Complaint for the contents thereof.

9. Denies that Tel-Tru has not and does not infringe the valid and enforceable Patent and, with respect to the other allegations of Paragraph 9, Intempco lacks sufficient information to admit or deny.

10. Denies that the Patent is invalid because it fails to meet one of more of the conditions for patentability set forth in Title 35, United States Code §§ 101, 102, 103, and 112.

11. Intempco admits there is a justiciable controversy within the meaning of 28 U.S.C. §§ 2201 and 2202 between Intempco and Tel-Tru with respect to the scope of the Patent and Tel-Tru's liability for infringement and denies there is a justiciable controversy with respect to validity because, *inter alia*, the Patent is presumed valid under 35 U.S.C. § 282.

AFFIRMATIVE DEFENSES

Intempco asserts the following defense and reserves the right to amend its Answer as new information becomes available. The listing of any defense below shall not be construed as an admission that Intempco bears the burden of proof as to such defense:

AFFIRMATIVE DEFENSE

The Counterclaims fail to state a claim upon which relief may be granted.

PRAYER FOR RELIEF

WHEREFORE, Intempco demands the following relief:

- (i) Judgment in favor of Intempco;
- (ii) Judgment dismissing Tel-Tru's Counterclaims with prejudice;
- (iii) Such other and further relief as the Court deems just and equitable.

Dated: August 9, 2010

Respectfully submitted,

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